



California Regional Water Quality Control Board Lahontan Region



Winston H. Hickox
Secretary for
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Protection

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Gray Davis
Governor

MINUTES July 9-10, 2003

Tour

Regional Board members, staff and interested parties participated in a tour of Heavenly Ski Resort in South Lake Tahoe on July 9 from 1:00 p.m. to 4:00 p.m.

Regular Meeting

Lahontan Regional Water Quality Control Board
Inn by the Lake, Lakeview Room
3300 Lake Tahoe Boulevard
South Lake Tahoe, CA

Chair Eugene Nebeker called the meeting to order at 7:05 p.m.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
Jack Clarke, Apple Valley
Eugene B. Nebeker, Ph.D., Lancaster
Claudette Roberts, Palmdale
Eric Sandel, P.E. Truckee

BOARD MEMBERS ABSENT

John Brissenden, Hope Valley

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE, Southern Lahontan Watersheds Division
Chuck Curtis, Supervising WRCE, Planning and Toxics Division
Lauri Kemper, Supervising WRCE, Northern Lahontan Watersheds Division
Doug Smith, Senior Engineering Geologist, Lake Tahoe Watershed
Scott Ferguson, Senior WRCE, Truckee River Watershed
Alan Miller, Senior WRCE, Northern Lahontan Rural Watersheds
Mary Fiore-Wagner, Environmental Scientist, Lake Tahoe Watershed
Jason Churchill, Environmental Scientist, Northern Lahontan Rural Watersheds
Robert Erlich, Environmental Scientist, Lake Tahoe Watershed
Robin Mahoney, WRCE, Truckee River Watershed
John Steude, WRCE, Northern Lahontan Rural Watersheds
Pamela Walker, Administrative Officer
Marietta Christoffersen, Office Technician

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ADDRESSING THE BOARD

Andy Otto, Truckee Rotary Club
Dan Wilkins, Truckee Rotary Club and Town of Truckee
Marshall Lewis, Truckee Rotary Club
Craig Williams, Sierra Pacific Power Company

Harold Singer, Executive Officer presented Jason Churchill, Environmental Scientist an award recognizing his customer service efforts. Mary Fiore-Wagner, Environmental Scientist was recognized for her work with a Sustained Superior Accomplishment Award.

1. PUBLIC FORUM

No one addressed the Board during the Public Forum.

3. ADOPTION OF UNCONTESTED CALENDAR

Mr. Singer discussed the late revisions to Items 4, 5 and 7.
Eric Sandel asked questions of Craig Williams, Project Foreman, Sierra Pacific Power Company related to Item 7.

- **Motion:** Moved by William Betterley, seconded by Jack Clark and **unanimously carried** to certify the Negative Declaration on Item 5 with late revisions.
- **Motion:** Moved by William Betterley, seconded by Eric Sandel and **unanimously carried** to adopt Items 4, 5, 6, and 7 on the Uncontested Calendar with late revisions to Items 4 and 7.

8. Presentation on the Truckee River Legacy Trail

Scott Ferguson, Senior WRCE presented information on multi-use trails adjacent to surface waters within the Truckee River watershed. His discussion included:

- Basin Plan prohibitions
- Prohibition exemption criteria
- Comparisons to Lake Tahoe criteria
- Current Truckee River Approach
- Potential Truckee River Approach

Mr. Ferguson informed the Board that this project proposal might be on the October or January agenda.

Marshall Lewis, Truckee Rotary Club, discussed the volunteer efforts of various organizations that made completion of Phase I of the Truckee River Legacy Project possible. He related that Phase 2 of the project would be a two-year undertaking.

Dan Wilkins, Truckee Rotary Club, Public Works Director and Town Engineer, Town of Truckee, told the Board the Town of Truckee provided \$750,000 in funding and is in the

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preliminary engineering and environmental phase of the proposed project, working with various community groups.

Mr. Wilkins related that the Town of Truckee is looking for Board direction as to whether it is possible to make the findings necessary to grant access to a 2,500 foot section of floodplain in the vicinity of the former TTSA sewage ponds (which are still active for emergency use), adjacent to the Truckee River.

He expressed appreciation for the help Scott Ferguson and Lauri Kemper have provided in helping him to understand the rules and regulations.

Mr. Wilkins answered questions from Board members and Steven Blum, Legal Counsel.

Andy Otto, Past President of the Truckee Rotary Club, stated his support of the proposed project.

Mr. Singer pointed out that the CEQA analysis should include the entire project rather than just this particular phase. He noted that by its very nature a project like this would not have qualified in the past; access has always been granted in a perpendicular not linear manner. He also recommended completion of an alternatives analysis.

9. Executive Officer's Report

Mr. Singer highlighted the following items from the July written report:

- Item No. 1 – Status of Caltrans, Interstate-80 Rehabilitation Boca/Floriston Project. Mitigation projects are two years late. Regional Board staff will be analyzing whether an enforcement action is an appropriate response to this violation. Additionally, Board staff will be evaluating the amount of mitigation acreage to account for the larger temporal loss since a constructed wetland has, at least initially, less function than the one destroyed.
- Item No. 5 – PRPs Identified in Tahoe South “Y” PCE Contamination. An extensive study to identify the source of PCE contamination near the “Y” has led to three potential responsible parties. Board staff will be asking these parties to submit work plans that identify the extent of the problem and to perform remediation, if appropriate.
- Item No. 7 – Update on the Bark Beetle Infestation in San Bernardino County. Because of the volume of wood being taken out of the forest, the County has built an incinerator in the neighborhood area and is using fresh water from a well for dust control and cooling the incinerator. Since the well will be dry in about 30 days, the County has asked the Board if it can use reclaimed wastewater from the Lake Arrowhead Community Services District. The Basin Plan currently prohibits the discharge of wastewater for any reason above 3200 feet in elevation. Additionally, there is no Report of Waste Discharge on file. A proposed Basin Plan amendment allowing the discharge of reclaimed wastewater at higher elevations should come before the Board in September. Since the Regional Board cannot currently permit the use of reclaimed water, a letter will be sent indicating that the Executive Officer will not recommend enforcement action. We will, however, request a Report of Waste Discharge and recommend that the Board establish Water Reclamation Requirements for this use if the Basin Plan amendment is adopted.

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- Item 9 – Molycorp Cleanup and Abatement Order Compliance Status Update. The Bureau of Land Management District Manager said the application by Molycorp for a Right-of-Way Permit was a high priority and that the biological opinion should be released within 30 days. If it goes long beyond the 30 days, an enforcement order will be issued against the landowner who has hindered some of the investigation needs.

Other items discussed:

- Los Angeles County Sanitation District (LACSD). In response to a request made by LACSD, a letter was sent out stating that it was not necessary for the Board to amend the ammonia objective before a site specific analysis was conducted.
- Item 6 – Use of Constructed Wetlands for Water Quality Management. Dr. Nebeker had questions on this item. Mary Fiore-Wagner will send a memo to Board members on the subject.
- Item 11 – Mojave River/El Mirage Dairy Issues. Dr. Nebeker had questions about the new owner.

10. Reports by Chair and Board Members

Dr. Nebeker related the following information from the Chair's meeting:

- One of the future issues for Region 5 will be unlined effluent and dairy ponds.
- Under consideration is reducing the Regional Board panel from nine to seven members, and having full-time, paid, non-rotating Chairs that serve for more than one year.
- With a drastically reduced budget, resources will be focused on water quality issues and meeting the objectives in the Strategic Plan.
- Layoffs were discussed.
- Dischargers feel that the Basin Planning process is not working and have offered to provide funding for hiring consultants who would help move the process along.
- Under open discussion – the inability of dischargers to select experts and consultants and the impacts of this deficiency on Underground Storage Tank Cleanup.
- There may be a WQCC meeting October 30- 31, 2003. The Board's policy of approving cleanups and giving directions to responsible parties and the policy of regulating Non-Point Sources will be suggested as topics for the upcoming WQCC meeting.

Dr. Nebeker also commented on the following:

- Senator Pete Knight established a working group that would determine how to dispose of reclaimed and potable water in the Antelope Valley.
- He thought that the Board's policy of taking over cleanup should be more conservative in the future due to Thomas Erickson's lawsuit against the Regional Board.

There being no further business to come before the Lahontan Regional Board, the meeting adjourned at 9:07 p.m.

Prepared by: _____ Adopted: September 10, 2003
Pam Walker, Administrative Officer

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